

IN THE DRAWINGS:

An attached sheet of drawings includes changes to Figure 7. This sheet, which includes only Figure 7, replaces the original sheet which included only Figure 7. Figure 7 is amended herein to include a front pivot axis FPA and a rear pivot axis RPA, previously omitted from this drawing but described in the specification in paragraph 73.

An attached sheet of drawings includes changes to Figure 25. This sheet, which includes only Figure 25, replaces the original sheet which included only Figure 25. Figures 25 is amended herein to include the legend "PRIOR ART" as required by the Examiner, and to include the reference number 300 corresponding to the vehicle as a whole.

An attached sheet of drawings includes changes to Figure 26. This sheet, which includes only Figure 26, replaces the original sheet which included only Figure 26. Figures 26 is amended herein to include the legend "PRIOR ART" as required by the Examiner.

Attachments: Replacement sheets (3)
 Annotated sheets (3)

REMARKS

Upon entry of the present Amendment A, claims 1-10 are pending in the application, of which claims 1 and 8 are independent. Claims 1, 6 and 8 are amended herein.

The Examiner in charge of the subject application was contacted by telephone on June 13, 2006 to discuss rejections of the claims in view of the prior art references, and in particular, in view of Duphily et al (US 4, 470, 611). The applicant thanks the Examiner for her helpful remarks during the brief discussion, in which the applicant argued that Duphily did not anticipate claim 8 since Duphily does not disclose wishbone arms which are pivotally connected to each other. The Examiner stated that the broadly claimed limitation of being pivotally connected was met by the plural pivoting connections, including linkages and toggles, shown by Duphily. No agreement was reached.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. The applicant respectfully submits that all of the above amendments are fully supported by the original application. The applicant also respectfully submits that the above amendments do not introduce any new matter into the application. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

IN THE DRAWINGS

Figure 7 is amended herein to include a front pivot axis FPA and a rear pivot axis RPA, previously omitted from this drawing but described in the specification in paragraph 73. These

axes coincide with the straight line 237 shown in Figs. 14 and 15. No new matter is added.

Figures 25 and 26 are amended herein to include the legend "PRIOR ART" as required by the Examiner. Also in Figure 25, the reference number 300 was added to identify the vehicle as a whole to correspond to the written description in paragraph 5. No new matter is added.

IN THE SPECIFICATION

The specification is amended herein to correct minor errors as suggested by the Examiner. Many of these errors include idiomatic and grammatical errors related to translation of the specification from the Japanese language. For example, throughout the specification, the applicant has amended the word "bending" to "pivoting" in relation to structural components (drive shaft, constant velocity joint) which clearly do not bend, but which permit pivoting. No new matter is added by the amendments to the specification.

IN THE CLAIMS

Claim Objections

The Examiner has objected to claim 1 since claim 1 positively recites "a drive train" twice in the claim, and suggests changing "a drive train" in line 9 to "the drive chain." The applicant thanks the Examiner for this suggestion, and claim 1 has been so amended whereby the objection is obviated.

Claim Rejections – 35 USC 112

The Examiner has rejected claims 1-7 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner considers the

claims to contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s) had possession of the claimed invention at the time the application was filed. In particular, the Examiner contends that the specification and drawings do not specifically discuss where the swing or rocking axes are in relation to the frame and suspension.

The applicant respectfully disagrees with this rejection since the specification clearly states where the swing and rocking axes are, and are defined to be located in relation to the frame and suspension. For example, paragraph 88 describes the front pivot post 136 and rear pivot post 85 as functioning to permit pivoting of the suspension arms 71 and 72 so as to define both the swing axis and rocking axis (see Fig. 7). In addition, paragraphs 108-110 clearly state that the swing axis and rocking axis of the vehicle correspond to straight line 237, as shown in Figs. 14 and 15. The location of these axes is further described in paragraphs 157-158. Therefore, the applicant has not amended the specification and drawings in response to this rejection. If the Examiner continues to maintain this rejection, the applicant respectfully requests further clarification of the perceived deficiencies of the specification and claims.

The Examiner has rejected claim 6 under 35 USC 112, second paragraph, as being indefinite since there is insufficient antecedent basis for the term "the differential" as recited in line 1 of the claim.

The applicant agrees, and has amended claim 6 to change the dependency thereof from claim 3 to claim 4, as suggested by the Examiner. Claim 6 as amended herein is considered to be definite in form.

Double Patenting

At item 10 of the Office Action, the Examiner provisionally rejected claims 8-10 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3, 6, 7-8, and 11 of the copending application No. 10/667,950, corresponding to US patent application publication No. 2004/0119259 A1 (hereinafter referred to as '259 publication). In the rejection, the Examiner states that although the claims are not identical, they are not patenably distinct from each other because both sets of claims claim a three wheeled motor vehicle with rear wheel support structure for rocking movement, and having left and right wishbone arms, left and right reinforcing links, an intermediate bar extending between and attached to the upper portion of the reinforcing links, bell cranks used in the suspension system, and a shock absorber extending between and interconnecting the upper ends of the bell cranks.

The applicant is filing a terminal disclaimer concurrently herewith in order to overcome the provisional rejection, and notes that the reference '249 publication is commonly owned with the subject application. That is, both the '249 publication and the subject application are owned by Honda Giken Kogyo Kabushiki Kaisha.

Claim Rejections – 35 USC 102

At item 12 of the Office Action, the Examiner rejected claims 8-10 under 35 USC 102 (b) as being anticipated by Duphily et al. (US 4,470,611). In the rejection, the Examiner states that Duphily discloses a suspension system having a reinforcing support structure, the reinforcing support structure comprising a rear wheel supporting structure, a main frame cage pivotally supported 108 on the rear wheel support structure for pivotal movement thereon about a rocking

axis, the rear wheel support structure comprising left and right wishbone arms pivotally connected 106, left and right reinforcing links 122, and an intermediate bar as claimed. With respect to claim 9, the Examiner states that Duphily discloses a pair of bell cranks (128) operatively attached to opposed ends of the bar, and with respect to claim 10, that Duphily discloses a shock absorber 112 extending between and interconnecting upper ends of the bell cranks.

The applicant respectfully disagrees that the disclosure of Duphily anticipates the invention claimed by the applicant since Duphily does not disclose each and every claimed feature. In particular, Duphily fails to disclose or suggest a left and right arms which are pivotally connected to each other, as claimed. Instead, Duphily shows left and right arms which are each pivotally connected at one end to the vehicle frame via pin 108, and at the other end to a toggle body 128 via pin 126, rather than to each other. In addition, Duphily fails to disclose or suggest an intermediate bar extending between upper portions of the left and right reinforcing links. The Examiner refers to chassis member C as corresponding to the intermediate bar. However, member C does not extend between upper portions of the left and right reinforcing links, as claimed, but instead extends between an upper portion of a respective link and the frame.

However, in order to promote the prosecution of the application, the applicant has amended claim 8 herein to recite that the main frame cage is pivotally supported at a single location on the rear wheel support structure for pivotal rocking movement thereon about a single rocking axis. As shown in Fig. 19, the entirety of frame 16 rotates about pivot post 85. This feature is not disclosed or suggested by Duphily, who shows two pivotal connections between the vehicle frame C' and the suspension arms 106, that is, at each of the left and right sides of the

frame via pins 108. Because claim 8 as amended herein avoid rejection as anticipated by Duphily, reconsideration and withdrawal of the rejection is respectfully requested.

At item 13 of the Office Action, the Examiner rejected claims 1-2, 5, and 7 under 35 USC 102(e) as being anticipated by Takayanagi et al. (US 2004/0035628). At item 14 of the Office Action, the Examiner rejected claims 8-10 under 35 USC 102(e) as being anticipated by Takayanagi et al. (US 2004/0119259). At item 15 of the Office Action, the Examiner rejected claims 1-7 under 35 USC 102(e) as being anticipated by Kuroki et al. (US 2004/0144591).

The applicant respectfully disagrees with these rejections since each of the cited references (Takayanagi '628, Takayanagi '259, and Kuroki) has a U.S. filing date which is subsequent to the priority date of March 20, 2003 claimed by the applicant under 35 USC 119. In order to perfect the priority claim, the applicant is filing a certified English language translation of the priority document concurrently herewith. As a result, the cited references cannot be considered prior art with respect to the applicant's invention, and reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application,

applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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CERTIFICATE OF MAILING

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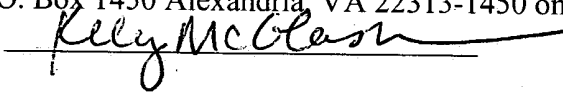


Fig. 7

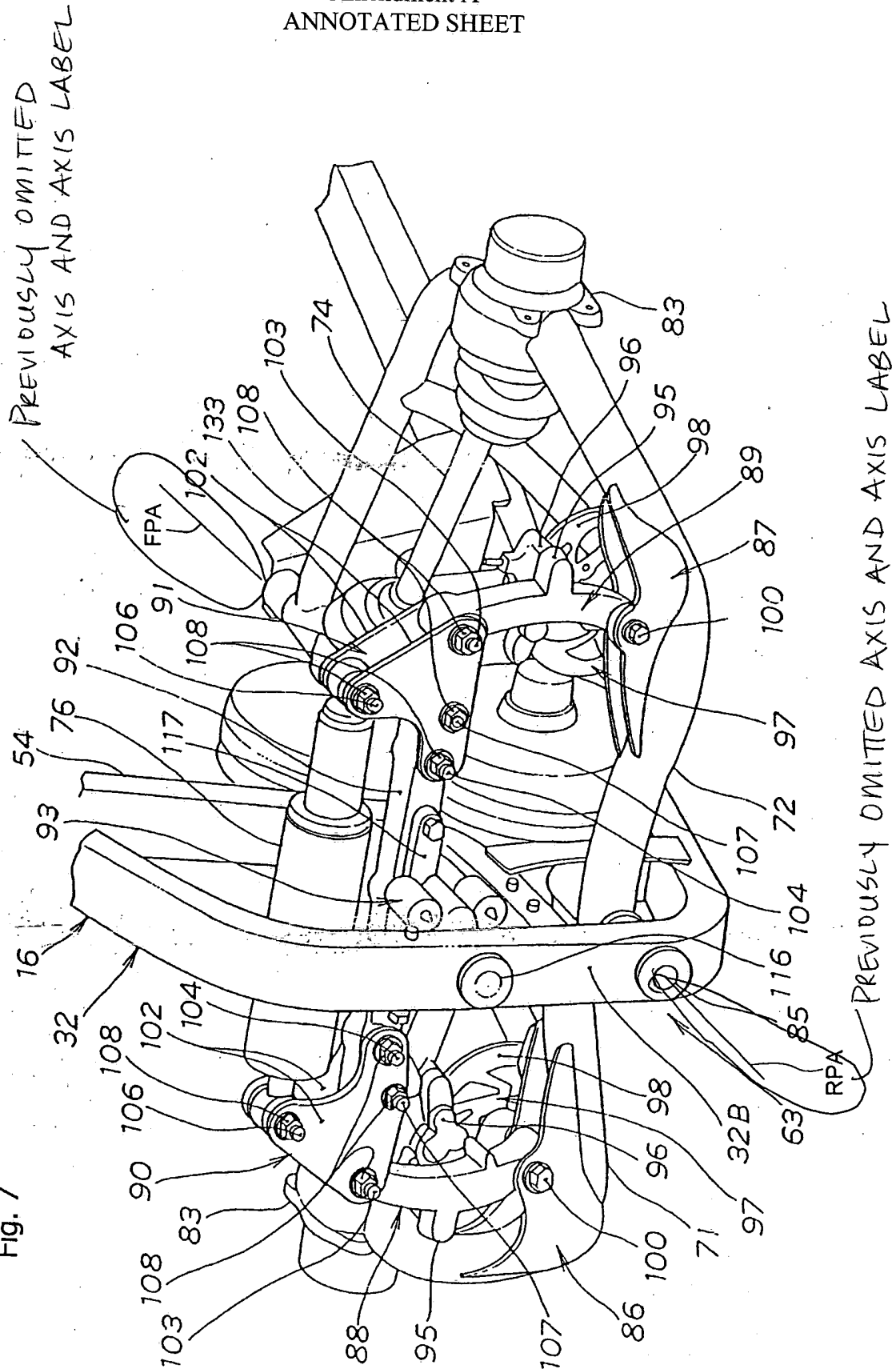
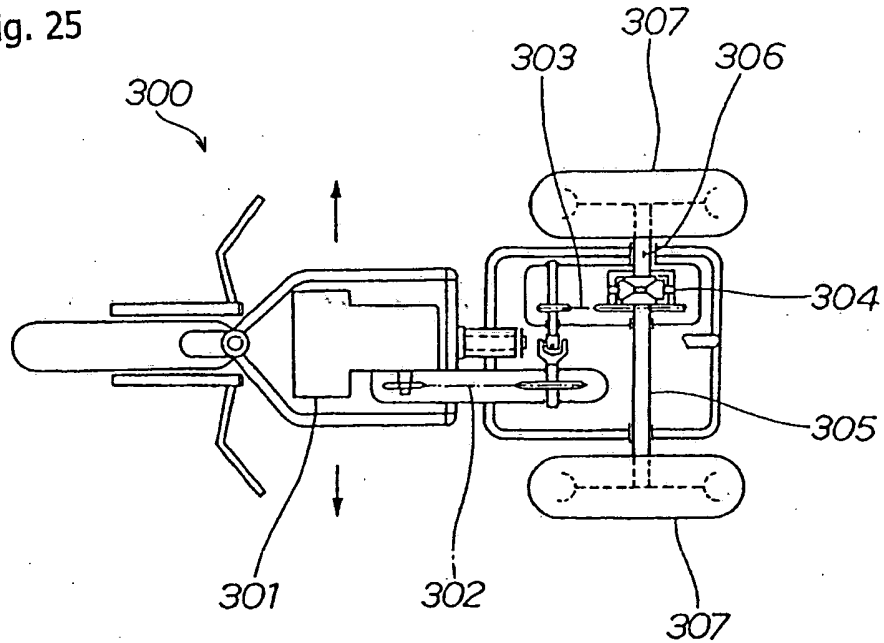


Fig. 25



PRIOR ART

PREVIOUSLY OMITTED
LEGEND

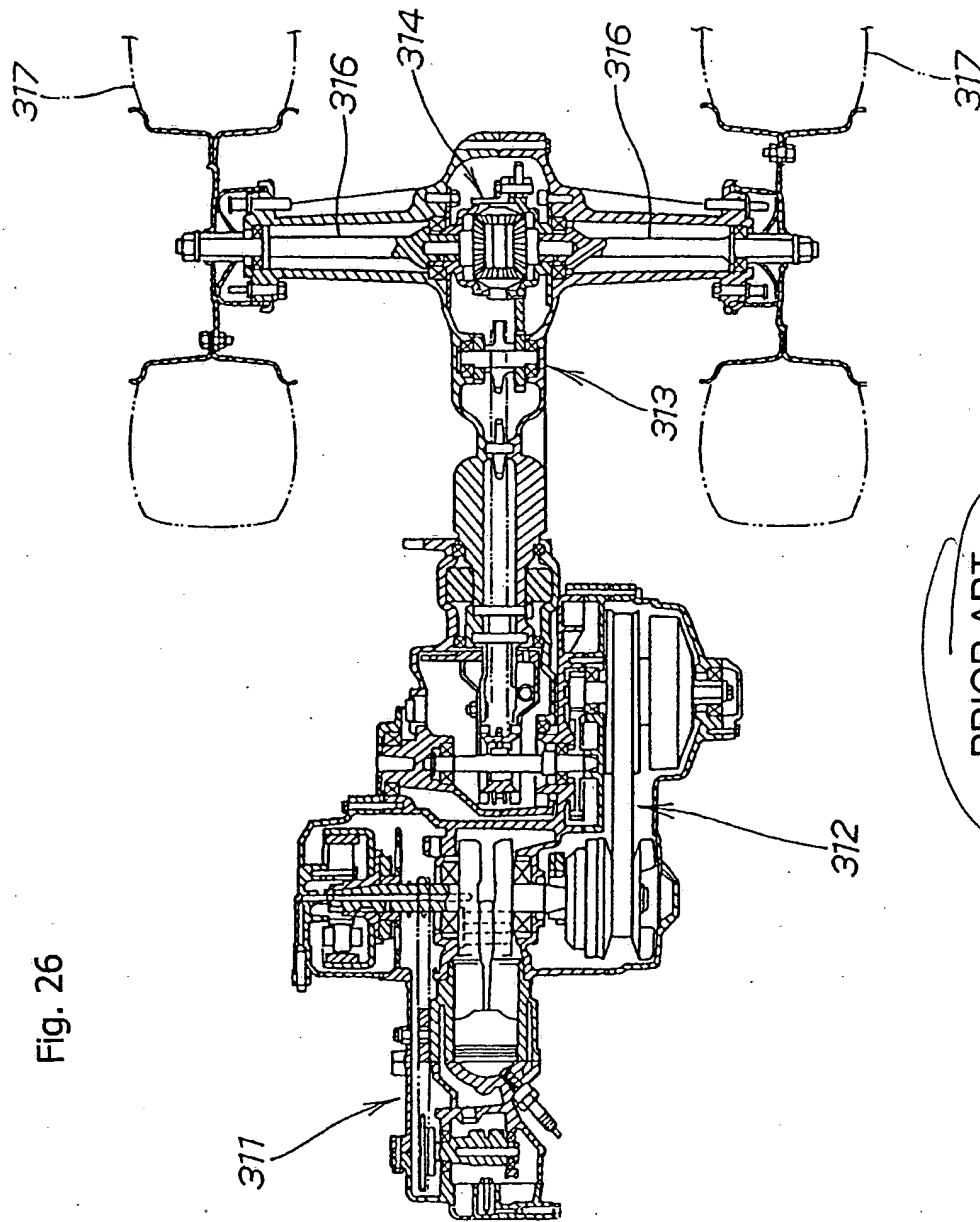


Fig. 26

PRIOR ART

PREVIOUSLY OMITTED LEGEND